

REMARKS

In the above-identified Office Action, the sole remaining claim, 44, has been rejected as indefinite. Applicant has amended claim 44 so that it now recites an upper and a lower limit. As such it is now believed definite.

Claim 44 has also been rejected as unpatentable over Graef et al, in view of Ziem et al and Tamatsuka et al. On May 15, 2007, the Examiner and the undersigned attorney conducted a telephonic interview at which claim 44 was discussed as well as proposed amendments to the claims in an attempt to distinguish over Graef. In view of the Examiner's comments at that interview, Applicant has amended the claim so that it now is believed to be definite in reciting both an upper and a lower limit and also to be patentable over the art of record.

Applicant has amended claim 44 so that the substrate is now immediately subjected to epitaxial growth processing after the ingot is mirror polished. This differs from Graef in that Graef requires an annealing step after fabrication of the wafers, whereas the subject invention is immediately subjected to epitaxial growth processing after mirror polishing. Accordingly, applicant believes the subject invention is now claimed to be patentable.

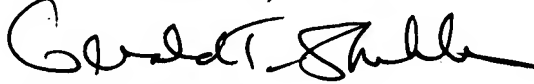
Applicant has amended the specification to replace the term "specular grinding" with "mirror polishing", the terms being equivalent, though mirror polishing is a more apt description of the process. This term has also been inserted into claim 44.

Applicant hereby requests reconsideration and reexamination thereof.

With the above amendments and remarks, this application is considered ready for allowance and Applicant earnestly solicits an early notice of same. Should the Examiner be of

the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned at the below-listed number.

Respectfully submitted,
WELSH & KATZ, LTD.



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Dated: **October 29, 2007**
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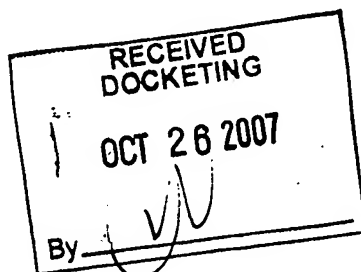
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Paper No.

Application No.:	10/679,031	Date Mailed:	10/23/2007
			
First Named Inventor:	Komiya, Satoshi,	Examiner:	SONG, MATTHEW J
Attorney Docket No.:	90738	Art Unit:	1792
Confirmation No.:	1669	Filing Date:	10/03/2003

Please find attached an Office communication concerning this application or proceeding.



Commissioner for Patents

**Notice of Non-Compliant Amendment
(37 CFR 1.121)**

Application No.
10/679,031

Applicant(s)
KOMIYA ET AL.

Art Unit
1700

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 25 June, 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other
- ☒ 4. Amendments to the claims:
 - ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other:
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable annie c. singleton

Telephone No: 571-272-1049